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FACSIMILE COVER SHEET

OCT 13 2005

Deliver to: Michael J. Pyzocha, USPTO _____
 Art Group: 2137 _____
 Facsimile No.: (571) 273-8300 _____ Date: October 13, 2005 _____
 From: William W. Schaal, Reg. No. 39,018 _____
 Our Docket No.: 42390P8096 Number of pages 14 including this sheet.
 Application No.: 09/822,986 Filing Date: 3/30/2001
 Docket Due Date(s): 11/23/2005

Enclosed are the following documents:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Amendment: Response (10 pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (____ pgs) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Application: _____ (____ pgs) w/cover & abstract) | <input type="checkbox"/> Petition for: _____ |
| <input type="checkbox"/> Assignment & Cover Sheet (____ pgs) | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input checked="" type="checkbox"/> Certificate of Facsimile _____ | <input type="checkbox"/> Reply Brief (____ pgs) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Declaration & POA (____ pgs) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Drawings: sheets, figures | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: _____ | <input type="checkbox"/> Response to Written Opinion (____ pgs) |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> IDS & PTO/SB/08 (____ pgs) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Transmittal Letter |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

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 Susan McFarlane 10/13/2005
 Date

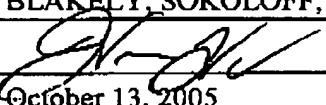
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| | | | |
|--|----|------------------------|--------------------|
| TRANSMITTAL FORM | | Application No. | 09/822,986 |
| (to be used for all correspondence after initial filing) | | Filing Date | March 30, 2001 |
| | | First Named Inventor | Carl M. Ellison |
| | | Art Unit | 2137 |
| | | Examiner Name | Michael J. Pyzocha |
| Total Number of Pages in This Submission | 13 | Attorney Docket Number | 42390P8096 |

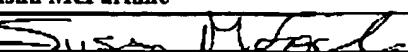
| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Response | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | <input type="checkbox"/> |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> |
| <input type="checkbox"/> PTO/SB/08 | | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Basic Filing Fee | | |
| <input type="checkbox"/> Declaration/POA | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature |  |
| Date | October 13, 2005 |

CERTIFICATE OF MAILING/TRANSMISSION

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|-----------------------|---|------|------------------|
| Typed or printed name | Susan McFarlane | | |
| Signature |  | Date | October 13, 2005 |

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w4) 08/04/2004.
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FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

| | | |
|-------------------------|------|------|
| TOTAL AMOUNT OF PAYMENT | (\$) | 0.00 |
|-------------------------|------|------|

| | |
|----------------------|--------------------|
| Complete if Known | |
| Application Number | 09/822,986 |
| Filing Date | March 30, 2001 |
| First Named Inventor | Carl M. Ellison |
| Examiner Name | Michael J. Pyzocha |
| Art Unit | 2137 |
| Attorney Docket No. | 42390P8096 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order None Other (please identify):

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Charge fee(s) indicated below | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) | <input type="checkbox"/> Credit any overpayments |
| under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. | |

FEE CALCULATION

1. EXTRA CLAIM FEES

| Total Claims | 22 | 22* | = | 0 | X | Fee from below | = | Fee Paid |
|--------------------|----|-----|---|---|---|----------------|---|----------|
| Independent Claims | 3 | 3* | = | 0 | X | 50.00 | = | \$0.00 |
| Multiple Dependent | | | | | | 200.00 | = | \$0.00 |

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|--------------|----------|----------|----------|---|
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 360 | 2203 | 180 | Multiple Dependent claim, if not paid |
| 1204 | 300 | 2204 | 160 | **Reissue independent claims over original patent |
| 1205 | 300 | 2205 | 150 | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (1) | | (\$) | | 0.00 |

*or number previously paid, if greater. For Reissues, see below

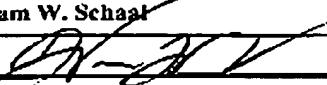
2. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|-----------------------|----------|--------------|----------|--|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath |
| 1052 | 60 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 2053 | 150 | 2053 | 130 | Non-English specification |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month |
| 1254 | 1,600 | 2254 | 795 | Extension for reply within fourth month |
| 1255 | 2,100 | 2255 | 1,080 | Extension for reply within fifth month |
| 1401 | 0.00 | 2401 | 250 | Notice of Appeal |
| 1402 | 610 | 2402 | 250 | Filing a brief in support of an appeal |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding |
| 1460 | 130 | 2460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt |
| 1803 | 790 | 1809 | 395 | Filing a submission after rejection (37 CFR § 1.129(a)) |
| 1810 | 760 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| Other (see (specify)) | | SUBTOTAL (2) | | (\$) |

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SUBMITTED BY

| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. Schaal | Registration No. (Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature |  | | | Date | 10/13/05 |

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 12/15/2004.
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| | | | |
|---|--|--------------------|------------|
| FEE TRANSMITTAL for FY 2005 | | Complete if Known | |
| Patent fees are subject to annual revision. | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | Application Number | 09/822,986 |
| TOTAL AMOUNT OF PAYMENT | | (\$) | 0.00 |
| Filing Date | | March 30, 2001 | |
| First Named Inventor | | Carl M. Ellison | |
| Examiner Name | | Michael J. Pyzocha | |
| Art Unit | | 2137 | |
| Attorney Docket No. | | 42390P8096 | |

METHOD OF PAYMENT (check all that apply)

- Check Credit card Money Order None Other (please identify): _____
- Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

| | | Extra Claims | Fee from below | Fee Paid |
|-----------------------|----|-----------------|-------------------|----------|
| Total Claims | 22 | 22* = | 0 | \$0.00 |
| Independent Claims | 3 | 3* = | 0 | \$0.00 |
| Multiple Dependent | | | 200.00 | \$0.00 |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 100 | 2203 | 180 | Multiple Dependent claim, if not paid |
| 1204 | 300 | 2204 | 150 | **Reissue Independent claims over original patent |
| 1206 | 300 | 2205 | 150 | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (1) | | (\$) | | 0.00 |

*or number previously paid, if greater. For Reissues, see below

2. ADDITIONAL FEES

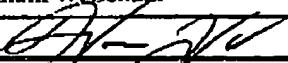
Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|---------------------------|----------|--------------|----------|--|
| 1051 | 130 | 2051 | 03 | Surcharge - late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 2063 | 130 | 2063 | 130 | Non-English specification |
| 1261 | 120 | 2251 | 60 | Extension for reply within first month |
| 1262 | 450 | 2252 | 225 | Extension for reply within second month |
| 1263 | 1,020 | 2253 | 510 | Extension for reply within third month |
| 1264 | 1,590 | 2254 | 795 | Extension for reply within fourth month |
| 1265 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month |
| 1401 | 500 | 2401 | 250 | Notice of Appeal |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing |
| 1451 | 1,510 | 2451 | 1,510 | Petition to institute a public use proceeding |
| 1460 | 130 | 2460 | 130 | Petition to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Stmt |
| 1809 | 780 | 1809 | 300 | Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 1810 | 780 | 2810 | 395 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| Other fee (specify) _____ | | SUBTOTAL (2) | | (\$) |

Fee Paid

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. Schaal | Registration No. (Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature |  | | | Date | 10/13/05 |

Based on PTO/SBU/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wkr) 12/15/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 09/822,986
Amdt. Dated 10/13/2005
Reply to Office Action August 23, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------|---|--------------------|-----------------------|
| Application. No. | : | 09/822,986 | Confirmation No. 8962 |
| Applicant | : | Carl M. Ellison | |
| Filed | : | 03/30/2001 | |
| TC/A.U. | : | 2137 | |
| Examiner | : | Michael J. Pyzocha | |
| Docket No. | : | 42390P8096 | |
| Customer No. | : | 8791 | |

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

AMENDMENT

Sir:

In response to the Office action of August 23, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.